

REMARKS

Claims 1-25 remain in the present application.

The Examiner has imposed a Restriction Requirement, and requested that Applicant elects one of two identified groups of claims for prosecution in connection with the present application. The groups of claims are as follows:

Group I Claims 1-12, drawn to a method for milking an animal; and

Group II Claims 13-24, drawn to a milking machine.

Applicant provisionally elects, with traverse, Group II, including claims 13-24. Applicant specifically reserves the right to file divisional application(s) directed to non-elected claims 1-12.

With regard to Applicant's traversal, it is respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search for the subject matter of any one group would encompass a search for the subject matter of the remaining claims. Thus, Applicant respectfully submits that the search and examination of the entire application could be performed without serious burden. M.P.E.P. § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner **must** examine on the merits, even though it includes claims too distinct or independent invention.
(*emphasis added*)

Thus, it is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant's and duplicated examination by the Patent Office.

Further, there are two criteria for a proper requirement for restriction. The invention should be independent or distinct, and

2) there must be a serious burden on the Examiner if a restriction is not required. *See* M.P.E.P. § 803.092, 806.04 A through J, 808.01(a) and 808.02.

Accordingly, Applicant respectfully submits that the Examiner would not be unduly burdened if forced to examine Groups I and II together.

For all of the above stated reasons, reconsideration and withdrawal of the outstanding Restriction Requirement and favorable allowance of all claims in the instant application are earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

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